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Appl. No. 09/986,104
Pre-Appeal Brief Request for Review

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IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Appl. No.   : **09/986,104**

Applicant(s) : **HARS, Laszio**

Filed   : **11/7/2001**

TC/A.U.   : **2131**

Examiner   : **ZIA, Syed**

Atty. Docket : **US-010172**

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On: 6 December 2005
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Title: **APPARATUS FOR AND METHOD OF PREVENTING THE ILLICIT COPYING**
OF DIGITAL CONTENT

Pre-Appeal Brief Request for Review

Mail Stop **AF**
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P.O. Box 1450
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Sir:

In response to the final Office action of 3 November 2005, applicant(s) request(s) review of the final rejection in the above referenced application. No amendments are being filed with this request. This paper is being filed with a notice of appeal.

This review is requested for the reason(s) stated on the attached sheet(s).

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REMARKS

The examiner's omissions of one or more essential elements needed for a prima facie rejection:

The Office action rejects claims 1-4, 7-12, and 15-20 under 35 U.S.C. 102(b) over Kalker ("System Issues in Digital Image and Video Watermarking for Copy Protection", IEEE, 1999).

Claim 1, upon which claims 2-6 depend, claims a method of increasing the difficulty of importing to a secure domain digital content including watermarks that includes preventing importing of sections of the digital content having a length less than or equal to a length associated with the length of reliable watermark detection.

The Office action asserts that Kalker discloses the claimed method at page 564, column 1, bullet 5: "The copy protection state will be detected every 10 seconds. This requirement will most certainly frustrate any viewer of illegally copied content"; and at page 565, column 2, section 3.3.2 lines 6-7: "With play control the copyright state is checked at the playing device"; and section 3.3.3, lines 21-24: "In the scenario CO content is allowed to play if the ticket value is either 3 (original) or 1 (first generation copy). NC content is only played if the ticket value is 1."

As can be seen by the above cited text, Kalker does not teach preventing importing of sections of the digital content having a length less than or equal to a length associated with the length of reliable watermark detection.

Apparently, the Examiner believes that the checking of the copy protection state every 10 seconds will prevent importing of content having a length of less than some minimum length. This is incorrect, because the frequency of checking is unrelated to a check for duration. Consider, for example, a watermark detector that takes five seconds to detect a copy protection state (watermark), and an attempted importation of content material of two second segment lengths. Checking this material every ten seconds will not prevent its importation, because the two second segment lengths are too short for the watermark to be detected; reducing the frequency to, for example, every one second will not improve the situation, because the duration of the imported segments remain insufficient for the watermark to be detected.

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Regardless of the frequency of checking for a watermark, material that is shorter than the length required for watermark detection will not be detectable by Kalker, and therefore Kalker cannot be said to teach preventing importing of sections of the digital content having a length less than or equal to a length associated with the length of reliable watermark detection, as specifically claimed in claim 1.

In like manner, claim 7, upon which claims 8-16 depend, claims an apparatus that includes a detector for segments of the digital content having a length equal to or less than a preset length, and a signal processor for preventing importing at least some of the digital content segment having a length less than or equal to the preset length.

The Office action asserts that Kalker teaches a detector for segments of the digital content having a length equal to or less than a preset length at page 564, column 1, bullet 5: "The copy protection state will be detected every 10 seconds. This requirement will most certainly frustrate any viewer of illegally copied content". As noted above, Kalker's control of the frequency of checking for a watermark does not correspond to a duration detector, as specifically claimed, and Kalker's processor is not configured to prevent the importation of material based on the duration of the material, as specifically claimed in claim 7.

Similarly, claim 17, upon which claims 18-20 depend, claims a method that includes determining whether the length of the segment is sufficient to enable detection of a watermark if present in the segment, and controlling importation of the segment into the secure domain in response to the segment length determination.

The Office action relies upon Kalker's teaching of the checking for a copy protection state every ten seconds to support the rejection of claim 17. As noted above, Kalker's control of the frequency of checking for a watermark does not correspond to determining a length of a segment, and thus Kalker cannot be said to teach determining whether the length of the segment is sufficient to enable detection of a watermark, and Kalker cannot be said to teach controlling importation of the

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segment into the secure domain in response to the segment length determination, as specifically claimed in claim 17.

Because Kalker does not teach the elements of each of the independent claims 1, 7, and 17, the applicant respectfully maintains that the Examiner has failed to provide a prima facie basis for the rejection of claims 1-4, 7-12, and 15-20 under 35 U.S.C. 102(b) over Kalker.

The Office action rejects claims 1-14 and 17-20 under 35 U.S.C. 102(b) over Linnartz ("The 'ticket' concept for copy control based on embedding signaling", Philips Research, 02/04/98).

To support the rejection of independent claims 1, 7, and 14 discussed above, the Office action cites Linnartz page 4, bullet 4: "Detection in 10 seconds or faster" for teaching the prevention of importing content segments based on the length of the segment.

Each of the independent claims includes preventing the importation of sections of the digital content having a length less than a given duration. Linnartz does not teach preventing the importation of sections based on the length of the sections. If the content segment is shorter than Linnartz's detection period, Linnartz will not be able to detect the protection, and will not have a basis for preventing the importation of the segment.

Because Linnartz does not teach the elements of each of the independent claims 1, 7, and 17, the applicant respectfully maintains that the Examiner has failed to provide a prima facie basis for the rejection of claims 1-14 and 17-20 under 35 U.S.C. 102(b) over Linnartz.

Respectfully submitted,

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